

Child and Family Services Update

Monday, March 25, 2002

Lifting The Load

By Richard Anderson

Our state is often praised for the caseload standards that we have been able to achieve over the years. I know that many of you have colleagues, relatives, and friends in other states who tell you that your caseload is enviable! What I am seeing and hearing regularly is that our loads don't feel like something to be envied. In some instances, the load may possibly be impossible. It has been my experience that most of the decreases in caseload come with some fairly involved new processes and higher expectations. I want you to know that we are going to do our best to understand real workload vs. caseload, and then move to make the workload more manageable.

Last spring we had an audit from the Office of Legislative Audit where they concluded that a workload study would be important for the division to do. I asked Jack Green to begin this study and then added Todd Minchey, Southwest Region Director, and now Patti Van Wagoner, to be the lead group to oversee the study. After this process began in the division, we had a Senator ask that the Office of Legislative Audit conduct a workload study. So, we have two studies going on at the same time. Having the Office of Legislative Audit doing this parallel study will be of great benefit to the division. We will have the two independent reviews, and then combine the findings and proposals.

Please provide all the information you can to assist either of these groups in their efforts to better understand all the items that roll up into your workload. There may be some of you that will be asked to do a time sheet, some to sit in on focus groups, some to have a shadow for a day or so to watch your daily activities, or any of several other methods to help us better understand the tasks and time involved in our work. If you have some creative ideas on how this study can be improved or ideas that could help eliminate unnecessary work or streamline what we do, feel free to provide those ideas to the members of our committee.

Web Site Of The Office Of Services Review

By Brad McGarry

We understand that some supervisors are having a problem accessing the Internet QA forms. In order to access the forms and guidelines you will no longer be able to go through the Child and Family Services home web page to get the forms (this is for security reasons). Once you are on the Internet, type in the following URL: <http://www.hsosr.utah.gov/> and then bookmark the site for future reference. This is the Office of Services Review (OSR) home web page. It is the same page that you have used in the past to enter data. Once you are in the OSR home page, proceed as you have done in the past to enter data. If you have any questions, please contact Aaron Bettinson at 801-538-4436.

Major Changes From The Legislative Session

By Richard Anderson

Adam Trupp has been keeping you updated on the various bills from the legislative session that ended earlier this month. I thought I would give a very brief look at the most pronounced changes that will affect us in our daily work. (Remember, we are a few months away from the actual implementation dates.) We will provide training to assist you in the changes before you will be expected to make the adjustments. As you will note, I am not addressing all of the specifics. One thing that has not changed is that we are still charged with the protection of children, the strengthening of families, and working with the larger community to better support those that are in need of services.

In a nutshell, here are the major differences coming to our daily work:

- We will obtain warrants to remove a child from their home or school if there is not imminent danger to the child and the parent or guardian does not consent (effective July 1, 2002).
- We will be determining if child abuse or neglect allegations are “supported,” “unsupported,” or “without merit.” If a “supported” finding is on the list of severe or chronic categories that are in statute (those that are found in the Office of Licensing access to the information system), then the terms “substantiated” and “unsubstantiated” will be used as findings by the courts. The courts can also determine “without merit” (effective July 1, 2002).
- Administrative hearings will be held for contested “supported” and “unsupported” findings (effective July 1, 2002). **NOTE:** All those currently in the database who do not meet the requirements of already having had a court hearing on a finding that is now listed in the severe and chronic categories will receive a letter that they can now have a court hearing. (For those who are worried about this additional workload, remember that this group will not include those who have already gone to court, those who do not want a court hearing, and those who are no longer in the severe or chronic categories.)
- When the court has ordered reunification services, the court is to notify the division and the parent(s) at the six-month mark as to the court’s conclusions as to whether each party is fulfilling their obligations. The court is to let the division know if the court believes the division is providing “reasonable efforts” to reunify the family. The court is to also let the parent(s) know if the court believes that the parent(s) have fulfilled or are fulfilling their obligations in their service plan.

There are other items that are not as global as these. We will address all of the detail in future communications and in training. We will be working on these together.

Training For Foster Care Teams

By Cosette Mills

The Office of Recovery Services is offering to provide training to Child and Family Services foster care teams to help them understand how child support works for children in custody. Teams interested in receiving the training should contact **Brenda Zimmerman, Office of Recovery Services, at 801-536-8777.**

Transitions To Adoption

By LeRoy Franke

“All Of The Adults In The Life Of A Child Belong To That Child”

It is a guiding principle of Child and Family Services that Permanency for children means that all children need and are entitled to enduring relationships that provides a family, stability, and belonging, and a sense of self that connects children to their past, present, and future.

The following is provided as an aid to Child and Family Teams assisting a child in the transition from foster care to adoption. It summarizes some key issues, in no way all of the issues, faced by members of the adoption triad, birth families, adopting families, and the child. Each case is unique and requires the full practice skills of the involved team to assure a successful adoption experience for the child. A good transition from foster to adoption has proven to be one of the most effective means of assuring post-adoption success.

- 1. Transition for Birth Families** – Birth families need our ongoing support after termination of their rights. The family will deal with anger, grief, and loss. Resolution can help produce the outcomes of a renewed sense of control, direction, and purpose in living. Ongoing knowledge of the child’s well-being through shared information (when deemed appropriate) can help maintain well-being for the birth family, adoptive family, and the child.
- 2. Transition for Adoptive Families** – The families should be helped to fully understand the commitment they are assuming to become the child’s “forever families.” They are given “full disclosure” of the child’s short- and long-term needs and anticipated family strengths that will be needed to maintain a stable family environment. They need to assess the existing supports they have and those they will want to develop and maintain to be successful. All family members should be included in the discussions and made to be a part of the planning and decisions. They need to understand which supports are and which supports are not going to be available over time. Adoptive mothers need to know they will more than likely be the target of the child’s anger and hurt, and understand the issue lies in the child’s pain, not their mothering. Families must be helped to understand that love is grown over time, through shared experiences (good and bad), and they must first and foremost be patient with themselves and their own, often ambivalent, feelings.

3. Transition for Adopted Children – There is no good way children come to adoption. If everyone else is celebrating the adoption while the children are feeling abandoned by the birth families, betrayed by their caseworkers, and kidnapped by the adoptive families, we are not helping those adoptions to be successful. Children need to be assisted through the grieving for the loss of their birth families. They need to be helped to begin or strengthen the attachment to their new family. Often a structured experience to facilitate that process is helpful. They have the right to receive support from a well trained social worker and/or therapist who understand the issues of adoption, including (but not limited to): their grief and loss; their sense of rejection and abandonment; their guilt and shame; their loss of trust; their loss of identity; their loss of control; and their divided loyalties. They need to be supported as they test the limits of caring and love from their new families and may push everyone in their family to the limits of their patience.

4. Child and Family Services Systems Steps for Transition to Adoption – When a court orders the end of reunification services and the concurrent plan is adoption, the permanency goal should be immediately changed to adoption and the alternative plan implemented. If no concurrent adoption plan is in place, the adoption plan is developed with the adoptive family with the adoption goal. All changes to the goal are done through an amendment to the treatment plan or the entry of a new treatment plan. If the child is not legally free and an adoptive/foster care agreement has not been completed, that should be done and the date of the agreement must be entered in SAFE. If the child is legally free (a termination of parental rights or voluntary relinquishment from both birth parents or box 'deceased' checked on parent[s]) an adoption agreement should be completed (whether or not the case is under appeal). Under the SAFE Adoption tab enter the TPR filing date, the termination dates of parental rights, and the date of the signed adoption agreement. The above steps are important to verify that a permanent placement has been achieved within compliance of State and Federal time frames. Finally, the adoption subsidy agreement must be negotiated and signed by the parents and the agency prior to the finalization of the adoption.

A "Transitions in Foster to Adoption Team Checklist" and "Post-Adoption Re-Entry Into Services" flow chart may be accessed by going to our adoption web page at <http://www.hsdcsf.utah.gov/adoption.htm>.

Office Of Child Protection Ombudsman (OCPO)

By Richard Anderson

Marsha Peterson, Director of the Office of Child Protection Ombudsman (OCPO), and I have had a couple of great discussions over the past few weeks. We both agree that it is inevitable that the role of OCPO will have to be clarified from time to time for us. In some ways, they have the same difficulties in reviewing our work as we have in doing our work. The issues that we face are much the same for OCPO, the families and children we serve, and ourselves - the issues of confidentiality, fears of being "checked on," concerns about not getting fair treatment, wondering if we will get a chance to be understood, and many other sensitive issues. All these are common ground we share.

One issue that came up recently was whether or not OCPO can have access to any and all of the records that we have. Yup, they can. You will see this in the statute I have included in this article. Their access to our information is just as though they are one of us, with the exception that each of us in the division can only look into case files that we are working with, and they can look into any case file. That is their job. No, they don't need a release. No, they don't need to make a GRAMA request. They just need to politely ask. (Note: Marsha, I added the "politely" - I know it isn't in statute, but as far as I know, this is how the request is done.)

In case you decide not to read the legalese in the following from the Utah Code, please let me make one more observation. OCPO can provide just as much positive feedback to us as they can present needs for improvement. This happens often. You can also call and ask them any question you may have on their requests or work on a particular matter.

This month, region and state administration met with Marsha and the OCPO staff to go over the trends they have seen this past year and to discuss how the process of information exchange and problem solving is working for all of us. We reviewed the current system and drafted a working agreement. Once we have a final draft, we will send it out to everyone.

Here is the statute.

62A-4a-208. Child protection ombudsman -- Responsibility -- Authority.

(1) As used in this section:

(a) "Complainant" means a person who initiates a complaint with the ombudsman.

(b) "Ombudsman" means the child protection ombudsman appointed pursuant to this section.

(2) (a) There is created within the department the position of child protection ombudsman. The ombudsman shall be appointed by and serve at the pleasure of the executive director.

(b) The ombudsman shall be:

(i) an individual of recognized executive and administrative capacity;

(ii) selected solely with regard to qualifications and fitness to discharge the duties of ombudsman; and

(iii) have experience in child welfare, and in state laws and policies governing abused, neglected, and dependent children.

(c) The ombudsman shall devote full time to the duties of office.

(3) (a) Except as provided in Subsection (b), the ombudsman shall, upon receipt of a complaint from any person, investigate whether an act or omission of the division with respect to a particular child:

(i) is contrary to statute, rule, or policy;

(ii) places a child's health or safety at risk;

(iii) is made without an adequate statement of reason; or

(iv) is based on irrelevant, immaterial, or erroneous grounds.

(b) The ombudsman may decline to investigate any complaint. If the

ombudsman declines to investigate a complaint or continue an investigation, the ombudsman shall notify the complainant and the division of the decision and of the reasons for that decision.

(c) The ombudsman may conduct an investigation on his own initiative.

(4) The ombudsman shall:

(a) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make rules that govern the following:

(i) receiving and processing complaints;

(ii) notifying complainants and the division regarding a decision to investigate or to decline to investigate a complaint;

(iii) prioritizing workload;

(iv) maximum time within which investigations shall be completed;

(v) conducting investigations;

(vi) notifying complainants and the division regarding the results of investigations; and

(vii) making recommendations based on the findings and results of recommendations;

(b) report findings and recommendations in writing to the complainant and the division, in accordance with the provisions of this section;

(c) within appropriations from the Legislature, employ staff as may be necessary to carry out the ombudsman's duties under this part;

(d) provide information regarding the role, duties, and functions of the ombudsman to public agencies, private entities, and individuals;

(e) annually report to the:

(i) Child Welfare Legislative Oversight Panel;

(ii) governor;

(iii) Board of Child and Family Services;

(iv) executive director of the department; and

(v) director of the division; and

(f) as appropriate, make recommendations to the division regarding individual cases, and the rules, policies, and operations of the division.

(5) (a) Upon rendering a decision to investigate a complaint, the ombudsman shall notify the complainant and the division of that decision.

(b) The ombudsman may advise a complainant to pursue all administrative remedies or channels of complaint before pursuing a complaint with the ombudsman. Subsequent to processing a complaint, the ombudsman may conduct further investigations upon the request of the complainant or upon the ombudsman's own initiative. Nothing in this subsection precludes a complainant from making a complaint directly to the ombudsman before pursuing an administrative remedy.

(c) If the ombudsman finds that an individual's act or omission violates state or federal criminal law, the ombudsman shall immediately report that finding to the appropriate county or district attorney or to the attorney general.

*(d) The ombudsman shall immediately notify the division if the ombudsman finds that a child needs protective custody, as that term is defined in Section **78-3a-103**.*

(e) The ombudsman shall immediately comply with Part 4, Child Abuse or Neglect Reporting Requirements.

(6) (a) All records of the ombudsman regarding individual cases shall be classified in accordance with federal law and the provisions of Title 63, Chapter 2, Government Records Access and Management Act. The ombudsman may make public a report prepared pursuant to this section in accordance with the provisions of Title 63, Chapter 2, Government Records Access and Management Act.

(b) The ombudsman shall have access to all of the department's written and electronic records and databases, including those regarding individual cases. In accordance with Title 63, Chapter 2, Government Records Access and Management Act, all documents and information received by the ombudsman shall maintain the same classification that was designated by the department.

(7) (a) The ombudsman shall prepare a written report of the findings and recommendations, if any, of each investigation.

(b) The ombudsman shall make recommendations to the division if the ombudsman finds that:

(i) a matter should be further considered by the division;

(ii) an administrative act should be addressed, modified, or canceled;

(iii) action should be taken by the division with regard to one of its employees; or

(iv) any other action should be taken by the division.

Children At Risk: State Trends For 1990-2000

By Carol Miller

The Annie E. Casey Foundation recently announced that data from the Census 2000 Supplementary Survey offer a first look at state-level changes in 11 key measures of child and family well-being between 1990 and 2000.

This joint publication between KIDS COUNT and the Population Reference Bureau provides data showing which states have improved more than average over the 1990s and which dimensions of children's lives have changed the most over the past decade. Visit and download this new publication at <http://www.aecf.org/kidscount/c2ss/>.

Convenient Way To Earn Domestic Violence (And Other) CEUs

By Kate Jensen

I just found out about a really neat way to earn CEUs on-line and learn more about mental health issues. [Athealth.com](http://athealth.com) is a leading provider of mental health information and services for mental health practitioners and those they serve. Their online community consists of psychiatrists, pediatricians, family practitioners, psychologists, psychiatric nurses, social workers, counselors, researchers, educators, school psychologists, caregivers, and others who meet the diverse needs of those with mental health concerns.

This month's subject matter is domestic violence related. To become part of this network of professionals and have a chance to earn CEUs, go to <http://www.athealth.com/> and then select "Practitioner." You will need to register, then go to "Newsletters." This week, you can receive one CEU for reading the first two articles on domestic violence/sexual assault and take an on-line quiz (for a fee of approximately \$12.00). There are other CEUs available for a variety of courses. I hope you take advantage of this great opportunity for ongoing education.

New Shaken Baby Syndrome Book

By Carol Miller

A new book has just been released from Auburn House publishing, entitled "Silenced Angels: the Medical, Legal, and Social Aspects of Shaken Baby Syndrome." After 30 years, since Shaken Baby Syndrome (SBS) was initially identified, this is the first book ever written about the topic to detail all the comprehensive aspects of SBS.

This hardcover book has 22 chapters and details such issues as "Signs and Symptoms;" "Fractures in Shaken Baby Syndrome;" "Myths and Controversies;" "Investigation of Shaken Baby Syndrome;" "SIDS vs. SBS;" "Psychological Aspects;" and much more.

There is a companion web site to the book, which contains prevention information, other materials, and ordering information. You may visit this site at <http://www.silencedangels.com>.